



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,800	05/09/2002	Charles Hee Lee	911-9278	1621

7590 04/15/2004

Eugene OAK, Ph. D.
Patent Attorney
610 S. Van Ness Ave.
Los Angeles, CA 90005

EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,800

Applicant(s)

LEE, CHARLES HEE

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I., figures 1-5 in Paper No. 9 is acknowledged.

Claims 6 and 7 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Drawings

The proposed drawing corrections filed on Aug. 20, 2003 have been received. The proposed drawing correction for figures 1-4,8a,8b have been approved. In figures 5,6,7,9, and 10, the applicant failed to show any proposed changes.

The drawings are objected to because in figures 6,7, and 9, it is not clear what the darkened portions (i.e. darkened flaps 13) represent. Do the dark areas represent the adhesive? The drawings fail to show numeral "63-1" as defined in the specification, page 7, last paragraph and page 8, first paragraph. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 3 the applicant should not refer to figure 1 to define the shape. Correction is required. See MPEP § 608.01(b).

The proposed changes to the specification, page 4, have not been entered since they are in improper format.

The disclosure is objected to because of the following informalities: page 4, line 9, "star." should apparently be "star,.". Page 4, line 15, "invitatory" should apparently be "invitational". Appropriate correction is required.

The amendment filed 9/30/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: stating on page 11 of the amendment (page 6 paragraph 1 of the specification) "trapezoid form, whose maximum height is half of that of the rectangular form".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

Claim 5 is objected to because of the following informalities: In claim 5, line 1, "with;" should apparently be "with:.". In claim 5, line 3, "the first portion" should be "a first portion". In claim 5, line 4, "the center" should be "a center". In claim 5, line 8, "form" should be "forms". In claim 5, line 8, "the third portion" should be "a third portion". In claim 5, line 8, "rectangular form" should be "the rectangular forms". In claim 5, line 10, "color" should be "colors". In claim 5, line 12, ", on which peel off glues are adhered," should be canceled. In claim 5, line 13, "the second portion" should be "a second portion". In claim 5, line 14, ",on which peel off glue is attached," should be canceled. In claim 5, line 16, "the center" should be "a center". In claim 5, line 22, "second portions" should be "second portion". In claim 5, line 24, "third and fourth

Art Unit: 3611

portion” should be “third and fourth portions”. In claim 5, line 25, “slightly press the folded card with hands” is awkward and should be rewritten. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Stating in claim 5, line 7, “trapezoid form, whose maximum height is half of that of the rectangular form” is considered to be new matter since the specification and drawings, as originally filed, fail to provide support for the newly added language.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 4, “a window of various shape” is confusing since it is not understood how a single window can have various shape, i.e. a window can only include a single shape. The applicant could cancel the phrase “of various shape” to overcome the indefinite problem. In claim 5, lines 5-6, the following phrase is awkward and confusing “on which peel off glues are attached, are developed on the three edges”, i.e. it is not clear what “developed on the three edges” means. In claim 5, line 10, “threads of different color, decorated fabric” is awkward and confusing. In claim 5, line 11, “six pieces of peel off glues” is indefinite since it is not clear

Art Unit: 3611

whether the six pieces of peel off glue are part of the peel off glues defined earlier in the claim or are additional peel off glues. In claim 5, line 11, "by; a) folding" is awkward and confusing. In claim 5, line 14, there is no antecedent basis for "the wing". In claim 5, lines 14-15, there is no antecedent basis for "the fourth portion". In claim 5, line 15, it is not clear which wing is being referred to in the phrase "the wing face". In claim 5, line 19, there is no antecedent basis for "the peels". In claim 5, line 20, there is no antecedent basis for "the embroidered fabrics". In claim 5, lines 22-23, "of the card stock face each other, and third and fourth portion of the card stock face each other" is awkward and confusing. In claim 5, line 24, there is no antecedent basis for "the folded card".

Applicant's arguments filed 8/20/03, 9/30/03, and 1/23/04 have been fully considered.

The applicant mentions that claims 6 and 7 have been canceled. However, the applicant failed to formally cancel claims 6 and 7 so these claims are still pending and have been withdrawn from further consideration as being drawn to a non-elected species.

Allowable Subject Matter

Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spiegel teaches the use of a foldable card having three foldable portions and a window in one of the portions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
April 12, 2004